

REMARKS

This reply is submitted in response to the Office Action dated October 9, 2008.

Claims 1 to 134 are before the Examiner. Claims 1-26, 28-43, 53, 57-59, 73-75, 76, 88-98, 100-104, 120, 121, 124-126, 133, and 134 have been cancelled. Claims 27, 44 to 52, 54, 55, 56 and 60 to 74 and 77-124 and 126-132 are pending. All previously withdrawn claims have been rejoined.

Applicant respectfully requests that the instant application be reconsidered in light of the above amendments and the following remarks.

Claim Objections

Claims 44, 67, 74, 99, 17, and 121 have been objected to for typographical errors. Correction has been made as the Examiner suggested.

Rejection under 35 USC § 112, First Paragraph

Claim 48 (and those dependent thereon) and claim 66 have been rejected under 35 USC § 112 first paragraph. The Examiner suggests there is not support for "cyano" or X or T. Applicant respectfully disagrees, as cyano clearly falls within the generic description of possible substituents. However to facilitate prosecution Applicant has deleted cyano from claim 48.

Applicant has amended X in claim 48, and such is supported by page 8, lines 7-12.

Applicant has also amended T in claim 48, and such is supported by page 8, lines 15-16.

Claim 49 is amended. Support is found at page 8, lines 7-12.

Claim 55 is amended. Support is found at page 8, line 1.

Claim 69 is amended to insert C₁ to C₂₀ as the Examiner suggests.

Claim 72 is amended. Support is found at page 8, line 19.

Claims 73 and 74 are cancelled.

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Claim 114 is amended.

Claim 117 is amended. Support is found at page 9, lines 6-21, and page 11, Table 1, Column "Q".

Claims 120, 121, 124 and 126 are cancelled.

Claim 128 is amended. Support is found at page 8, line 19.

Claim 131 is amended. Support is found at page 11, Table 1.

Withdrawal of the rejection is requested.

Rejection under 35 USC § 112, Second Paragraph

Claims 127-132 have been rejected under 35 USC § 112, second paragraph. The Examiner suggests they are dependent on a cancelled claim. Applicant has corrected the claim dependencies. Withdrawal of the rejection is requested.

Claim Rejections - Obviousness Type Double Patenting - US 7,205,364

Claims 73 and 74 are rejected on the non-statutory ground of obviousness type double patenting over claims 1-10 of US 5,621,126. Claims 73, 74 and 124 have been cancelled.

Allowance

Applicant thanks the Examiner for allowance of claims 27, 45-47, 64-66, 68, 70, 71, 77, 78, 80, 81, 105-113, 115,116 and 122.

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CONCLUSION

In light of the above amendments and remarks, Applicant respectfully requests the rejections to the claims be removed and the claims, as amended, be passed to allowance.

Please charge any deficiency in fees or credit any overpayments during the entire pendency of this case to Deposit Account No. 05-1712. Please also charge any petition fees, including fees for extensions of time necessary for the pendency of this case or copendency of this application with another application at any time to Deposit Account No. 05-1712.

Respectfully submitted,

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